IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

Bail Appl..No. 4428 of 2007()

CRIME NO.251 OF 2007 OF POOYAPPALLY POLICE STATION

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PETITIONERS : ACCUSED

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1. THULASEEDHARAN PILLAI,
   S/O. SASIDHARAN PILLAI, AGED 40 YEARS,
   CHARUVILA PUTHEN VEEDU,PADINJATTINKARA,
   MELEPURA JUNCTION, VELIYAM, KOTTARAKARA.

2. SASIDHARAN PILLAI, AGED 65 YEARS,
   D/O. GOPALAPILLAI,
   CHARUVILA PUTHEN VEEDU,PADINJATTINKARA,
   MELEPURA JUNCTION,VELIYAM,
   KOTTARAKARA.

3. BHAVANIYAMMA,
   AGED 60 YEARS,W/O. SASIDHARAN PILLAI,
   CHARUVILA PUTHEN VEEDU,
   PADINJATTINKARA, MELEPURA JUNCTION,
   VELIYAM,KOTTARAKARA.

4. MURALEEDHARAN PILLAI,
   AGED 30 YEARS,S/O. SASIDHARAN PILLAI,
   AKSHYA BHAVANAM,PADINJATTINKARA, MELEPURA JUNCTION
   VELIYAM,KOTTARAKARA.

BY ADV. SRI.ALEXANDER GEORGE
SRI.DILIP MOHAN

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY ITS
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE
   POOYAPPALLY POLICE STATION,
   KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4428 of 2007

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Dated this the 23rd day of July, 2007

ORDER

Application for anticipatory bail. Petitioners are husband and relatives of the husband of the defacto complainant. They face allegations, inter alia, under Sec.498A IPC. Crime was registered on the basis of the complaint by the defacto complainant. The investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage between the spouses took place on 08.04.1999. They are blessed with two children in the wedlock. There is strain in the matrimony. Such strain has prompted the defacto complainant to make reckless and exaggerated allegations, submits the learned counsel for the petitioners.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied, in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners. In coming to the conclusion, I take note of the fact that the arrest and incarceration of the petitioners

is likely to mar the matrimonial tie beyond repair. Appropriate conditions can of course be imposed in the interests of a fair, efficient and proper investigation.

5. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m on 30.07.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m on 31.7.07 and 1.08.07 and thereafter as and when directed by the Investigating Officer, in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the

petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 30/7/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 30/07/2007.

(R.BASANT, JUDGE)

sj